

REMARK

Applicant respectfully requests reconsideration of this application as amended.

Claims 1-49 remain in the application. Claims 1 and 8 have been amended. No claims have been canceled. Claims 47-49 have been added.

Request for Examiner to Initial IDS disclosure

Applicant submits an IDS form 1449A/PTO on November 14, 2002. Applicant kindly thanks Examiner for returning IDS form 1449A/PTO with initials. However, IDS form 1449A/PTO is missing initials for one Foreign Patent Document titled "PCT/US01/50087 Search Report" on the bottom part of the page. Assuming that Examiner has a copy of this reference, Applicant respectfully requests that the Examiner initial Foreign Patent Document "PCT/US01/50087 Search Report" on IDS form 1449A/PTO, Sheet 1 of 2, dated November 14, 2002, and return a signed copy of IDS form 1449A/PTO to the Applicant.

Drawing Status Request

Applicant respectfully requests status on drawings submitted with communication filed on April 17, 2001. The status of these drawings was not indicated in the Office Actions or Office Action Summaries. In addition, Applicant never received a copy of a Notice from the draft person.

Rejections under 35 U.S.C. § 103(a)

First, the Applicant respectfully submits that there is no suggestion to combine the DTDM network framer system of Beckner with the radio transmission frame alignment system of Hodohara. The Applicant respectfully disagrees with Office Action with respect to the teaching in Beckner. Beckner only teaches a framer circuit for placing packet data into frames for travel over a DTDM network (See Beckner abstract & col. 17, lines 60-68). Hodohara has to do with using frame alignment to improve radio transmissions over deteriorating circuits (See Hodohara col. 2, lines 8-12). One with ordinary skill in the art would not combine these references because their application areas are very different, and there

would be no reasonable expectation of success per MPEP §2143.02. If the Examiner maintains this combination, further explanation is requested as to how they are combined and why the combination is proper per MPEP §2142.

Second, even if Beckner and Hodohara is a proper combination, the Applicant respectfully submits that this combination would not teach or describe all of the limitations of the Applicant's independent claims. Since how the references would be combined is unclear to Applicant (see above), the resulting combination is not understood (e.g., the combination might be a "framer" for a DTDM network that also has capability of transmitting frame-aligned radio signals over separate deteriorating lines). Even so, the combination cannot teach or suggest the limitations of the Applicant's independent claims at least for the reason that the main reference of the rejection, the framer system of Beckner (See Beckner abstract & col. 17, lines 60-68), describes "writing data packets into specific DTDM frames"; whereas Applicant's claims go from a "TDM signal" to "network packets" (Claims 1, 8, 16, 21, 27, 33), AS WELL AS claim: 1) "a deframer unit to receive Time Division Multiplexing (TDM) signal...including a payload and overhead data", a "packet engine unit to receive the payload, the overhead data and the frame alignment data"; and a "packet processor ...to generate network packets" (Claim 1, 8); 2) a method that includes "receiving a TDM signal that includes overhead and payload data", "placing the TDM signal into packet engine packets....wherein the overhead data, the payload data and the frame alignment data are within packet engine packets", and generating "network packets" (Claims 16, 27); 3) a method that includes placing a "first TDM signal into first packet engine packets based on the frame boundaries within the first TDM signal" and "receiving a second TDM signal; placing the second TDM signal into second packet engine packets, independent of frame boundaries within the second TDM signal; and generating network packets from the first and second packet engine packets using a same packet processor." (Claim 21, 33)

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims 3-6, 9-11, 17-20, 24-

26, 28-32, 34-38, 42-46 are allowable for at least the reason that they are dependent on an allowable independent claim.

Added Claims 47-49

Applicant respectfully requests that the Examiner consider newly added Claims 47-49, provided with this Response. Even if Beckner and Hodohara is a proper combination, the Applicant respectfully submits that this combination would not teach or describe “a packet engine unit.... to generate a packet engine packet that includes the payload, the frame alignment data, and the overhead data” and a “a packet processor...to deframe the TDM data into lower layer frames and add a header to each to generate network packets when said payload of said frame is TDM data”. (Claim 47) The Applicant respectfully submits that the dependant claims 48-49 are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remarks, and that the Claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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